



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219

**SENT VIA EMAIL**  
**RECEIPT CONFIRMATION REQUESTED**

Kevin Wynja, Registered Agent  
Wynja Feedlot, Inc.  
3555 Indian Avenue  
Orange City, Iowa 51041

Dear Mr. Wynja:

RE: Wynja Feedlot, Inc., Beef Cattle Operation  
Western ½ of Section 13 in Township 96 North, Range 45 West  
Sioux County, Iowa

On March 23, 2021, representatives of the U.S. Environmental Protection Agency inspected your facility. The inspection was conducted under the authority of Section 308 of the Clean Water Act. A copy of this inspection report was provided to you on, or around May 5, 2021.

The EPA continues its evaluation of the inspection findings but has determined that your operation does not have adequate runoff controls in place to prevent process wastewater from discharging into a perennial tributary of the West Branch of Floyd River during significant precipitation events. Because you are confining greater than 999 head of beef cattle, your operation meets the definition of a large concentrated animal feeding operation (CAFO). Sampling has confirmed that the operation discharges pollutants to the stream.

Be advised that any discharge of manure solids or process wastewater from a large CAFO to a water of the United States is a violation of the CWA unless it is pursuant to a National Pollutant Discharge Elimination System permit.

In order to complete our review, the EPA requires additional information regarding the operation of your facility and compliance with the CWA. Pursuant to Section 308 of the CWA, please follow the instructions and provide the information requested in **ENCLOSURE A within 30 calendar days of receipt of this letter.**

We appreciate your cooperation and prompt attention to his matter. If you have any questions regarding this information request, please contact Mr. Pollard at (913) 551-7582 or [pollard.stephen@epa.gov](mailto:pollard.stephen@epa.gov).

Sincerely,

Diane Huffman  
Acting Director  
Enforcement and Compliance Assurance Division

Enclosures

cc: Trent Lambert, IDNR Field Office #2  
Scott Wilson, IDNR Field Office #3

## ENCLOSURE A

### REQUEST FOR INFORMATION AND INSTRUCTIONS

#### RESPONSE DUE WITHIN 30 DAYS OF RECEIPT OF THIS REQUEST

The U.S. Environmental Protection Agency requests submission of information, as described below, pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

#### **I. Instructions**

1. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the CWA, including, but not limited to eliminating all unauthorized discharges to waters of the United States.

#### Contact Information

2. In each submission required by this Request for Information, identify the person to contact regarding your submission, including title, address, and email and/or phone number.
3. Your responses to this Request for Information are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in response to this Request for Information.

#### Responses Format.

4. Please provide a separate response to each and every numbered request set forth below. Please label each response in a manner that identifies the number of the question or document request.
5. Except for a cover letter or memorandum and the Statement of Certification, only copies, and not original documents, should be submitted pursuant to this request. Documents and data may be submitted electronically by email or by mail (e.g., on a compact disc or flash drive) in PDF, Word, Excel or other widely available electronic format. *NOTE: as discussed below, any information claimed as confidential business information (CBI) should be submitted by mail and properly labeled.*

#### Complete Responses and New or Corrected Information.

6. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety and, if applicable, when the remainder of the response will become available and be submitted.
7. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within thirty (30) calendar days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within 30 calendar days of when you find the information is inaccurate, false or misrepresents the truth.

Accurate and Truthful Information Required.

8. Please be advised that the failure to respond accurately, or the submission of false information, may subject you to administrative, civil or criminal enforcement that could include penalties, fines, or imprisonment under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001.

Certification.

9. The Statement of Certification found in ENCLOSURE B must be submitted along with your responses every time a submission is made pursuant to this Request for Information. This statement must be made by a person authorized to sign reports pursuant to 40 CFR § 122.22(a) and (b). For your convenience, the text of these provisions is included on ENCLOSURE B.

Confidential Business Information (CBI).

10. Information requested by this letter must be submitted to the EPA regardless of a claim of confidentiality. If you believe any of the requested information is confidential, you may assert a confidential business information claim under the provisions of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), 18 U.S.C. § 1905, and the regulations at 40 CFR Part 2. Information that you claim as CBI will be held as such pending a determination of applicability by the EPA.
  - a. *Procedures to claim confidential treatment for information requested or demanded by the EPA.*
    - i. You may assert a business confidentiality claim covering part or all of the information requested or demanded by the EPA in the manner described by paragraph (b), below. Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, allowed by 40 CFR Part 2, Subpart B.
    - ii. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to the business.
    - iii. The regulations applicable to a claim of CBI are at 40 CFR Part 2, Subpart B, 41 FR 36902, Sept. 1, 1976, as amended at 43 FR 40000, Sept. 8, 1978; 50 FR 51661, Dec. 18, 1985.
  - b. *Method and time of asserting business confidentiality claim.* Pursuant to 40 CFR § 2.203(b), a business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as *trade secret, proprietary, confidential business information, CBI or proprietary business information*. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.
  - c. If you assert a CBI claim on the submitted information and Agency is determining whether that information is entitled to confidential treatment, you will be given notice to submit comments to support your CBI claim. Information that is publicly available or required to be disclosed to the public by law is not entitled to confidential treatment.
  - d. Please refer to 40 CFR § 2.302, *special rules governing certain information obtained under the Clean Water Act*, regarding limitations on the confidential treatment of effluent data and standards or limitations.

Submission of Response to Request for Information.

11. It is strongly preferred that your response(s) be scanned and sent electronically within the timeframes identified in Section III, below to pollard.stephen@epa.gov.

If you are unable to send your response electronically, all responses to this Request for Information must be submitted with the timeframes identified in Section III, below. Each response should be submitted in a manner that allows you to track delivery, and must be submitted to:

Stephen Pollard  
U.S. Environmental Protection Agency – Region 7  
Enforcement and Compliance Assurance Division  
Water Branch  
11201 Renner Blvd.  
Lenexa, Kansas 66219

## **II. Definitions**

All terms used in this request, which are not defined below shall be defined as they are defined at 33 U.S.C. § 1362 and 40 C.F.R. §§122.2 and 403.3. “Facility” means the animal feeding operation located at 3555 Indian Avenue, Orange City, Iowa 51041.

## **III. Requested Information**

**Within 30 days of receipt of this Request for Information,** provide the following information:

### **Preliminary Information and Instructions**

1. Identify the person or persons to contact regarding your response, including title, address and phone number.
2. Your responses to the questions are to be provided by a qualified employee or an official agent of Wynja Feedlot, Inc., such as a consulting engineer. Provide the name and credentials of the person(s) providing information in response to this Information Request.

### **Specific Information Requested**

**In response to this request for information, please provide all documentation regarding the facility’s activities, relative to the following questions:**

3. Please explain, in detail, any contractual, corporate, business, or other relationship that exists between Wynja Feedlot, Inc., Hulstein Feedyards, LLC and/or Kevin Wynja Farms. Also please provide all documents that pertain to or demonstrate any contractual, corporate, business, or other relationship between Wynja Feedlot, Inc., Hulstein Feedyards, LLC and/or Kevin Wynja Farms.
4. Provide copies of all animal inventory records or other documentation that establish the number and ownership of cattle confined at your facility from January 1, 2016, through October 1, 2021. For this period also provide a monthly average and a monthly maximum number of cattle confined at the facility.

5. Provide copies of all documents that are associated with design, construction, operation, and maintenance of the confinement barn, open cattle feedlots, solid settling basins, and feedstock storage areas.
6. Provide copies off all documents that are associated with the land application of manure, litter or process wastewater associated with the confinement barn, open cattle feedlots, solid settling basins, and feedstock storage areas.
7. Please also provide a listing of all land application equipment utilized by your facility to land apply both manure solids and process wastewater, when each piece of equipment was purchased, and when each was put into service.
8. Please describe and provide all documentation related to actions taken at the facility to address the unauthorized discharge of process wastewater observed during the EPA inspection conducted on March 23, 2021 and prevent future discharges. Please also provide the date the discharge of process wastewater began and the date the discharge ended.
9. Please provide the runoff storage capacity of any structure you assert will contain runoff from your operation. Also, please provide the precipitation event intensity and duration the controls are designed to contain. For example, how many inches of rainfall in a 24-hour period the controls can contain.
10. Please describe in detail the procedures you have in place to prevent pollutant discharges when single-day or multi-day precipitation events exceed the design capacity of the runoff controls that have been or will be installed. In this description, please specifically detail how you intend to dewater runoff control structures when land application areas are unavailable because of saturated soil conditions.

## ENCLOSURE B

### STATEMENT OF CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

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Signature

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Date

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Printed Name

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Title

#### **40 CFR § 122.22 Signatories to permit applications and reports.**

(a) *Applications.* All permit applications shall be signed as follows:

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to*

*applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.*

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

(b) All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a) of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and,

(3) The written authorization is submitted to the Director.